IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.2184 OF 2006

Ramnath Dipan Singh ..Petitioner.
Vs.
Hindoostan Spinning & Weaving Mills Ltd. ..Respondent.
...
Mr. N.M. Ganguli for the Petitioner.
Mr. Shyam Mehta i/b Federal & Rashmikant for the Respondent.
...

CORAM: DR. D.Y. CHANDRACHUD, J.

28th August, 2006.

P.C. :

The services of the Petitioner were terminated on 11th October, 1999. The Petitioner moved the Industrial Court in a complaint of unfair labour practices. The Industrial Court held by its order dated 30th January, 2006 that the jurisdiction to entertain the complaint would lie with the Labour Court having regard to the provisions of item 1 of Schedule IV read with Section 5(d) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. This finding of the Industrial Court is correct. Counsel appearing for the Petitioner prays that in order to obviate any further delay the complaint which has been

returned for want of jurisdiction may be permitted to be instituted before the Labour Court. Permission to do so is accordingly granted. It would ofcourse be open to the Petitioner to carry out necessary amendments in view of the fact that the complaint would lie before the Labour Court. The Petition is accordingly disposed of.